

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
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In Reply To:

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November 7, 2005

To: State Management Team

From: State Director

Subject: New MOU between BLM and the Montana DEQ

**Program Area:** Surface management of locatable mineral activities regulated by the BLM under the 43 CFR 3802 and 3809 regulations.

**Purpose:** Transmittal of new MOU between the BLM and the Montana Department of Environmental Quality (DEQ) establishing a joint Federal/State program for the management of locatable mineral activities on BLM-administered lands in Montana.

**Policy/Action:** Field Offices are to follow, as appropriate, the review, processing, financial assurance, and inspection and enforcement procedures in the attached MOU for locatable mineral activities on BLM lands. This MOU supersedes the program MOUs between the agencies dated April 1981 and May 1984.

**Timeframe:** The MOU was effective on September 19, 2005. An electronic copy of the MOU was previously distributed to program specialists in the field offices.

**Budget Impact:** Minimal. Much of the coordination anticipated under the MOU has been in place for years under the previous MOUs and through the working relationships developed between the Montana BLM and DEQ.

**Background:** Under the regulations at 43 CFR 3809.204, promulgated on January 20, 2001, the previous MOU had to be reviewed and revised to be consistent with the new 3809 regulations. The 43 CFR 3809 regulations provided for an extended review period until January 20, 2004, after which, the previous MOU terminated. Because certain reclamation bonding requirements in the new 3809 regulations require that all financial guarantees are redeemable by the Secretary, development of the new BLM-DEQ MOU had to wait until the State of Montana revised its regulations. The amendments to the Montana Metal Mine Reclamation Act and the Open Cut

Act, passed by the Legislature this year, allow for financial guarantees to be redeemable by the Secretary in addition to the State. This change provided the authority under which the new MOU was completed so as to satisfy both the Federal and State bonding requirements.

**Manual/Handbook Sections Affected:** None at present. A new bureauwide 3809 program handbook and manual is under development. Once the Bureau handbook is issued, the Montana BLM may develop a statewide handbook which would incorporate procedures contained in the MOU.

**Coordination:** The MOU was developed in consultation with BLM management and field office personnel, DEQ program specialists, Washington Office 320 staff, Regional and Washington Office Solicitors, and DEQ legal counsel.

**Contact:** Scott Haight, Physical Scientist, Montana State Office, 406/538-1930.

Signed by: Howard A. Lemm, Acting

Authenticated by: Jean M. Schaak (MT-921)

1 Attachment

1- *DEQ and BLM Memorandum of Understanding for Hardrock Mineral Activities on BLM-Administered Lands* (BLM-MOU-MT921-0509), (13 pp)

Distribution

Asst. FM Havre – 1

Asst. FM Glasgow – 1